

# Town of Lancaster

TOWN PLANNING BOARD  
21 Central Avenue  
Lancaster, New York 14086

April 6, 2022

Planning Board Members: Neil Connelly, Chairman  
Rebecca Anderson  
John Copas  
Anthony Gorski  
Joseph Keefe  
Stanley Jay Keysa III  
Lawrence Korzeniewski

Town Board Members: Ronald Ruffino, Sr., Supervisor  
Mark Burkard  
Adam Dickman  
Robert Leary  
David Mazur

Engineering Consultant: Ed Schiller, Wm. Schutt & Associates

Town Attorney: Thomas E. Fowler, Jr.

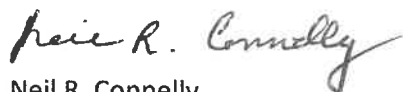
Town Highway Superintendent: John Pilato

Building & Zoning Inspector: Matthew Fischione

Ladies/Gentlemen:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held April 6, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting and may be amended before approval.

Sincerely yours,



Neil R. Connelly  
Planning Board Chairman

NRC:sg

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 6<sup>th</sup> day of April 2022 at 7:00 P.M. and there were present:

**PRESENT:** Neil Connelly, Chairman  
Rebecca Anderson, Member  
John Copas, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Stanley Jay Keysa III, Member

**EXCUSED:** Lawrence Korzeniewski, Member

ABSENT: None

**ALSO PRESENT:** None

**Town Board Members: Councilman Dave Mazur**

**Other Elected Officials:** None

**Town Staff:** Emily Orlando, Deputy Town Attorney  
Ed Schiller of Wm. Schutt & Assoc.  
Matt Fischione, Code Enforcement Officer  
Sherry Guarino, Recording Secretary

Meeting called to order by Chair Connelly at 7:00 p.m.

Pledge of Allegiance led by Chair Connelly.

Roll Call of Planning Board Members:

Chairman Connelly- Present

Rebecca Anderson- Present

John Copas- Present

Anthony Gorski- Present

Joseph Keefe- Present

Stanley Jay Keysa III- Present

Lawrence Korzeniewski- Excused

Minutes - A motion was made by John Copas to approve the minutes from the March 16, 2022 Planning Board Meeting. Motion seconded by Anthony Gorski.

**Motion carried.**

**PUBLIC HEARING SCHEDULED FOR 7:05 P.M.**

At 7:05 p.m. the Planning Board held a Public Hearing to hear all interested persons upon an application for a single-family subdivision, Cross Creek Phase 9, S.B.L. #94.15-1-23 located at 538 Pavement Road. This is a 6-lot single family subdivision on 2.2 acres and zoned MFMU – Multi Family, Multi Use.

NAME OF PERSON(S) ADDRESSING

THE PLANNING BOARD ON THIS SUBJECT

Proponent/Opponent

Comments/Questions

No public comments.

A motion was made by Chair Connelly at 7:06 p.m. to close the public hearing for the Cross Creek Phase 9 Single Family Subdivision. Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly - YES

Rebecca Anderson - YES

John Copas - YES

Anthony Gorski - YES

Joseph Keefe - YES

Stanley Jay Keysa III - YES

Lawrence Korzeniewski - EXCUSED

**Motion carried.**

TOWN OF LANCASTER PLANNING BOARD

COMMUNICATIONS – APRIL 6, 2022

- 4.06.01 Letter from Town Attorney Thomas E. Fowler, Jr. to Chair Connelly with comments regarding the proposed “motel and mixed-use facility” at 5827 Broadway. There is concern that this could become a “troublesome” area.
- 4.06.02 Notice of Public Hearing to be held for a Special Use Permit on 4/04/22 for 6125 Genesee St. (Soil Recycling Facility)
- 4.06.03 Notice of Public Hearing to be held for a Special Use Permit on 4/04/22 for 4949 Transit Rd. (7-Eleven, gas, and car wash)
- 4.06.04 SEQR response dated 3/22/22 from the NYS DEC regarding the motel and mixed-use project at 5827 Broadway.
- 4.06.05 Copy of the Town of Cheektowaga’s negative declaration upon SEQR for the Midtown Apartments Community at 6386 Transit Rd.
- 4.06.06 SEQR response dated 3/21/22 from the Erie County Division of Environment & Planning regarding the proposed Dollar General, 5807 Broadway.
- 4.06.07 SEQR response dated 3/24/22 from the NYS DEC regarding the Plumb Creek Apartments, 5680 Broadway.
- 4.06.08 SEQR response dated 3/15/22 from the Erie County Division of Sewerage Management regarding Cross Creek Phase 9.
- 4.06.09 SEQR response dated 3/25/22 from the NYS DOT regarding the motel & mixed-use facility at 5827 Broadway.
- 4.06.11 SEQR response dated 3/21/22 from the Erie County Division of Environment & Planning regarding the Plumb Creek Apartments, 5680 Broadway.
- 4.06.12 SEQR response dated 3/15/22 from the Erie County Division of Sewerage Management regarding Valvoline Oil Change, 4839 Transit Rd.
- 4.06.13 SEQR response dated 3/28/22 from the Erie County Department of Environment & Planning regarding the motel and mixed-use facility at 5827 Broadway.
- 4.06.14 SEQR response dated 3/31/22 from the NYS DOT regarding the Plumb Creek Apartments.

- 4.06.15 Letter dated 3/29/22 from Matt Fischione, Code Enforcement Officer, to Planning Board members indicating items regarding the review of the proposed Shop & Storage were received.
- 4.06.16 Email chain via the Building Department regarding the unauthorized clearing of land on William St.
- 4.06.17 SEQR responses dated 3/29 and 3/30/22 from the Departments of Sewerage Management and Planning, respectively, regarding the mixed-use facility at 4781 Transit Rd.
- 4.06.18 Opposition Petition by residents of Bell Tower Village Condominium, to proposed development project # 2210, 5827-5835 Broadway.

**Planning Board Minutes**  
**SEQR Review**  
**April 6, 2022**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of April 2022 at 7:10 p.m. and there were

PRESENT: NEIL CONNELLY, PLANNING BOARD CHAIRMAN  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN COPAS, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
STANLEY JAY KEYSA III, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER

EXCUSED: LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

ALSO PRESENT: DAVID MAZUR, COUNCILMEMBER  
EMILY ORLANDO, DEPUTY TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ED SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.  
SHERRY GUARINO, RECORDING SECRETARY

PURPOSE OF MEETING:

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE  
REZONING OF 338 HARRIS HILL ROAD  
S.B.L. #82.04-1-1.11

The Planning Board reviewed the Full Environmental Assessment Form on the rezone with an item for item review and discussion of the project impact and magnitude as outlined on the Full Environmental Assessment Form entitled "Part 2 Identification of Potential Project Impacts" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **Type 1 action**, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a **Negative Declaration** for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Thomas E. Fowler, Jr., Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed rezone is of a parcel involving approximately 4.9 +/- acres.

The location of the premises being reviewed is 338 Harris Hill Road, Lancaster, New York 14086, Erie County.

This project described as a rezone has no physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED  
BY MEMBER ANTHONY GORSKI, WHO MOVED ITS ADOPTION, SECONDED BY  
MEMBER STANLEY JAY KEYSA III,  
TO WIT:**

**REASONS SUPPORTING RECOMMENDATION**

1. Impact on Land – No impact.
2. Impact on Geological Features – No impact
3. Impacts on Surface Water – No impact.
4. Impact on Groundwater – No impact
5. Impact on Flooding – No impact
6. Impact on Air – No impact
7. Impact on Plants and Animals – No impact
8. Impact on Agricultural Resources – No impact
9. Impact on Aesthetic Resources – No impact
10. Impact on Historic and Archeological Resources – No impact
11. Impact on Open Space and Recreation – No impact
12. Impact on Critical Environmental Areas – N/A
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. Impact on Transportation – No impact
14. Impact on Energy – No impact
15. Impact on Noise, Odor and Light – No impact
16. Impact on Human Health – No impact
17. Consistency with Community Plans – No impact.

**18. Consistency with Community Character – No impact**

and,

**BE IT FURTHER**

**RESOLVED**, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED - YES
REBECCA ANDERSON, PLANNING BOARD MEMBER	VOTED - YES
JOHN COPAS, PLANNING BOARD MEMBER	VOTED - YES
ANTHONY GORSKI, PLANNING BOARD MEMBER	VOTED - YES
JOSEPH KEEFE, PLANNING BOARD MEMBER	VOTED - YES
STANLEY JAY KEYSA III, PLANNING BOARD MEMBER	VOTED - YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	EXCUSED

**The Motion to recommend was thereupon adopted.**

**REZONE PETITION – REZONING OF 338 HARRIS HILL ROAD, S.B.L. #82.04-1-1.11. REZONING OF THE PROPERTY TO CORRECT EXISTING MISCLASSIFICATION THAT RENDERED THE PROPERTY NON-CONFORMING. MINOR EXTERIOR IMPROVEMENTS/ALTERATIONS FOLLOWING THE REZONING.**

Ari Goldberg of Barclay Damon stated 338 Harris Hill was zoned for general business and under the prior zoning application the property had residents that were permissible under the general business classification. During the rezoning process this property's uses were overlooked and zoned light commercial. Residents are not permitted under light commercial zoning. Mr. Goldberg requested to correct the error made in rezoning. If changed and the zoning classification of this property is rezoned Mr. Goldberg is requesting to permit owners to make exterior alterations and noted the possibility at max of 30 additional units according to code change which would be reviewable.

**DETERMINATION**

A motion was made by Rebecca Anderson to recommend this rezone. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly- YES  
Rebecca Anderson - YES  
John Copas - YES  
Anthony Gorski - YES

Joseph Keefe - YES  
Stanley Jay Keysa III - YES  
Lawrence Korzeniewski – EXCUSED



## **Motion carried.**

### **Other items discussed:**

SEQR is scheduled for the motel/coffee shop on Broadway and Bowen for April 20, 2022. Member Anderson shared with the planning board her safety concerns. Member Anderson commented on the intersection, traffic flow on the site, and the concern of parking due to loading and unloading. Mr. Fischione also had concerns about the location of the loading area, traffic setbacks, parking setbacks and the use of the property adjacent to the parking lot. Ed Schiller, engineering consultant, voiced his opinion that there could potentially be a need or demand for this type of business at that specific location in Lancaster.

The Car Wash and Dollar General projects are currently scheduled on the zoning board's agenda for April 14, 2022.

Belltower condominium owners submitted an Opposition Petition for the proposed development project #2210, 5827-5835 Broadway. The owners are opposed to this project and would like the planning board to take the concerns listed below under consideration when considering this proposed project.

- A. Proximity of drive thru to the north side border of Bell Tower Village as indicated on site plan
- B. Reducing set back to 10 ft. as proposed, being too close to Bell Tower Village – north side property line
- C. Operation of business hours, as a 24/7 business, noise consideration
- D. Excessive outdoor parking lighting-proximity to residential units
- E. Delivery trucks "running time" (how often and what times)
- F. Traffic congestion – ingress and egress from Bell Tower Village is already problematic
- G. What type of barrier is developer planning on north border line to Bell Tower Village, (resident homes back up to this border and will significantly impacted)?

Chair Connelly informed the board about a call he received from a man who was inquiring about the possibility of rezoning property on the south side of Broadway and Swartz from currently agricultural – residential to a light industrial rezone. He is interested in building a public storage unit for rental use. Chair Connelly does not think a rezone for a storage facility near wetlands in that area would be something that would benefit the town. All board members agreed on Chair Connelly's decision. Chair Connelly will inform the man if he is still interested, he can present his plan to the board.

Chair Connelly requested from now on all scheduling for SEQR will go through the attorney's office and/or the building department.

Chair Connelly suggested creating an architectural review board for Lancaster. Several other towns in the surrounding areas have an ARB. He stated we need to adapt what will fit for our town.

Currently the Planning Board is reviewing the lot sizes in the R District.

Motion made by Rebecca Anderson at 7:52 p.m. to adjourn the meeting. Seconded by John Copas,  
Motion carried.